IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 33285 of 2006(K)

PETITIONER:

LALITHA D/O. NATESAN,
KUZHIVILA VEEDU, KEEZHATTINGAL VILLAGE,
KEEZHATTINGAL P.O.
CHIRAYINKEEZHU TALUK.

BY ADV. SRI.D.KISHORE

RESPONDENTS:

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1. STATE OF KERALA REP. BY ITS
SECRETARY, HOME DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL, THIRUVANANTHAPURAM.

3. THE SUB INSPECTOR OF POLICE,
KAZHAKKOOTTAM POLICE STATION,
THIRUVANANTHAPURAM.

4. C.H.MOHAMMED KOYA MEMORIAN STATE
INSTITUTE FOR THE MENTALLY HANDICAPPED
PANGAPPARA,THIRUVANANTHAPURAM 695 581
REP. BY ITS PRINCIPAL.

5. ELSY JOSE,
PROPRIETRIX,KRIPA HOSTEL,
PANGAPPARA, KAZHAKKOOTTAM,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.33285 of 2006

Dated this the 19th day of February, 2007

JUDGMENT

The grievance of the petitioner, a woman, is that her son Deepu Prasannan, aged about 22 years, a mentally retarded person, having more than 50% of mental disability, who was admitted to the 4th respondent institution on 20.09.2006, is found missing from 20.10.2006. A complaint was lodged before the 3rd respondent. Accordingly a crime - Crime No.481 of 2006, under the caption `Man Missing' has been registered at the Kazhakkuttom Police Station. The petitioner's son has not been traced so far. The petitioner, in these circumstances, has come to this Court with the grievance that appropriate steps are not taken after proper investigation of the said crime.

2. The 3rd respondent was directed to file a statement. The case diary has been placed before this Court for perusal. The statement of the 3rd respondent shows that the needful is being done. But in spite of the best effort of the investigator, the son of the petitioner could not be traced.

3. Plight of the petitioner deserves sympathy. Her mentally retarded child, who was admitted to a special school, is now not traceable. The system must do everything within its command to

ensure that the petitioner's grievance is redressed. Alert, efficient and meaningful investigation must be conducted by the 3rd respondent. A perusal of the statement filed and the case diary reveals that the 3rd respondent has been actively conducting investigation. No further or specific directions need be given to transfer the investigation to any other officer. However, I am satisfied, that the direction can be issued to the 2nd respondent to monitor the investigation, which is being conducted by the 3rd respondent. Respondents 2 and 3 shall make every endeavour to trace the son of the petitioner expeditiously.

4. I am, in these circumstances, satisfied that no further specific directions are necessary. But I make the observation that the 2nd respondent must monitor the steps taken by the 3rd respondent in the matter and both of them must make every endeavour to trace the son of the petitioner.

5. This Writ Petition is, in these circumstances, dismissed, but with the observation that the petitioner's liberty to approach this Court later, if the attempts do not bear fruit, will remain unfettered. He can move this Court if necessary later - not within a period of 3 months from this date.

(R.BASANT, JUDGE)

rtr/-